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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/597,334	02/21/2007	Rolf Engstrand	P17947-US1	9406		
27045	7590	02/25/2010	EXAMINER			
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				ZHAO, WEI		
ART UNIT		PAPER NUMBER				
2475						
MAIL DATE		DELIVERY MODE				
02/25/2010		PAPER				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

***Advisory Action
Before the Filing of an Appeal Brief***

Application No.

10/597,334

Applicant(s)

ENGSTRAND, ROLF

Examiner

WEI ZHAO

Art Unit

2475

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires _____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) They raise the issue of new matter (see NOTE below);
 (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. Applicant's reply has overcome the following rejection(s): _____.
 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 15-22.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
On pages 6-9 of the Response with respects to claim 15, Applicants assert the prior art doesn't teach "assigning a weight to each user associated with the arbiter node, wherein the weights indicate a percentage of an available bandwidth on the common link each user is provisionally allowed to use; receiving at the arbiter node, a request to join a new multicast session from a first user; determining by the arbiter node, an actual bandwidth that the first user would utilize if the request to join the new multicast session is granted, wherein the actual bandwidth for the first user is calculated as the sum of the first user's bandwidth part of each currently ongoing session in which the first user is a participant plus the first user's bandwidth part of the new multicast session, wherein the first user's bandwidth part of any given session is calculated as the bandwidth required for the given session divided by the total number of users participating in the given session; determining by the arbiter node, an allowed bandwidth for the first user, wherein the allowed bandwidth for the first user is calculated as the available bandwidth on the common link multiplied by the weight assigned to the first user; comparing by the arbiter node, the actual bandwidth for the first user with the allowed bandwidth for the first user; granting the request when the actual bandwidth for the first user is less than or equal to the allowed bandwidth for the first user; and denying the request when the actual bandwidth for the first user is greater than the allowed bandwidth for the first user."

The prior art teaches to provide a communication network comprising a plurality of IEEE-1394 nodes connected to a serial bus, each of the nodes functioning as a source node or a destination node for signaling an isochronous channel setup request containing session data and signaling an isochronous channel release request, and a multicast manager connected to the serial bus (column [2] lines 17-23, Momona). At step 1103, the source node 10A sends a session channel setup request to the multicast manager 10D for requesting the bandwidth desired by the destination node 10C. This is done by setting the control register 30 of manager 10D with the session data and the bandwidth data received with the reservation message from the destination node. If the request is granted, a reply packet is transmitted from the multicast manager to the source node where the control register 40

Continuation Sheet (PTOL-303)

/DANG T TON/
Supervisory Patent Examiner, Art Unit 2475

Application No.

/Wei Zhao /
Examiner, Art Unit 2475

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)

Advisory Action Before the Filing of an Appeal Brief

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